

REMARKS/ARGUMENTS

Claims 1-64 are pending in the present application. Claims 1-20 have been rejected. No new matter has been added. Accordingly, Claims 1-64 remain pending in the present application.

Claim Rejections - 35 U.S.C. §102

Claims 1-2, 22-23, 28-29, 32-34, 36, 39-40, 51-52, and 63-64 are rejected under 35 U.S.C. §102(b) as being anticipated by Kaufman et al. (U.S. 2002/0120703).

As to Claim 1:

Applicant respectfully disagrees and respectfully traverses the rejection. Claim 1 recites a method for coordinating the activity of a plurality of participating users, the method comprising: (a) organizing a plurality of individual lists, each individual list associated with a different participating user and including a plurality of entries, each entry describing an item to be obtained or located by the associated user during the activity; and (b) providing each individual list to a different one of a plurality of electronic devices, each electronic device accessible to a different one of the participating users, wherein each participating user can access the associated individual list and obtain or locate the items described on that user's individual list during the activity.

Kaufman discloses an invention for improving the dissemination of useful information. More particularly, the invention receives location data from a plurality of Global Positioning System GPS satellites and transmits the location data to an Active Calendar Component. In another embodiment, the Active Calendar Component receives the location data and determines if within a threshold distance a Colleague item list exists for user completion (Kaufman: Page 1, Paragraph 10). In essence, Kaufman locates a user, makes note of that user's location, and then determines (based on the

user's location) whether a "Colleague item list exists for user completion." Kaufman discloses a central management system which tracks multiple users and identifies which corresponding tasks a participating user may engage in based on the user's location.

By contrast, the present invention discloses that multiple users (such as shoppers) engage in an activity (such as shopping) wherein individual tasks are organized and provided to the individual users (Abstract, Lines 1-4). Applicant asserts Kaufman fails to disclose "...providing each individual list to a different one of a plurality of electronic devices, each electronic device accessible to a different one of the participating users" as recited in Claim 1(b). Kaufman does not anticipate nor disclose the elements of the present invention, nor does Kaufman teach, suggest or motivate towards the present invention.

An invention is anticipated if it "was . . . described in a printed publication in this . . . country . . . more than one year prior to the date of application for patent in the United States." 35 U.S.C. § 102(b) (2000). In re Donohue, 766 F.2d 531, 533 (Fed. Cir. 1985) ("[P]rior art . . . must sufficiently describe the claimed invention to have placed the public in possession of it. Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention.") (citation omitted). Kaufman does not do so in reference to the present invention.

As Kaufman does not anticipate the present invention, nor teach each and every element as disclosed in the present invention, Kaufman's citations do not anticipate or disclose the present invention as recited in Claim 1.

As Claim 2 depends from Claim 1, Applicant believes Claim 2 is also allowable for at least the reasons that apply to Claim 1. Moreover, Applicant respectfully submits that because Claims 39-40, 51-52, 63-64, 41 & 53, 45 & 57 recite substantially similar limitations to claims 1-2 respectively, the arguments used to overcome the rejections of

Claims 1 and 2 also apply here with equal force and effect. Accordingly, Applicant respectfully submits Claims 1, 2, 39, 40, 51, and 52 are allowable.

As to Claim 22:

Applicant respectfully disagrees and respectfully traverses the rejection. Examiner has cited Kaufman receives an individual list on an electronic device accessible by a participating user (Item 7, Page 4, 9/18/08 Office Action). Applicant asserts that in Kaufman, a user merely receives notification that a particular “to do” list exists, and does not actually receive further communication about the particular list. At [0025] lines 9-15, Kaufman discloses “...the Client Wireless Components (104a to 104x) are informed of “To do list” actions that facilitate the function of the enterprise organization or work group. The notification of the “To do list” is accomplished via communication with the Active Calendar Components (108a to 108z) across the Internet or a Wireless Network (106). Thus, Kaufman fails to disclose “...receiving an individual list on an electronic device accessible by a participating user...” as recited in Claim 22(a) of the present invention.

As Kaufman does not anticipate the present invention, nor teach each and every element as disclosed in the present invention, Kaufman’s citations do not anticipate or disclose the present invention as recited in Claim 22. As Claims 23 and 28 depend from Claim 22, Applicant believes Claims 23 and 28 are also allowable for at least the reasons that apply to Claim 22.

As to Claim 29:

Applicant respectfully disagrees and respectfully traverses the rejection. Examiner has cited Kaufman [0044] facilitates the shopping activity of the participating shoppers in a shopping area via the electronic devices by allowing communication

between participating shoppers (Item 10, Page 5, 9/18/08 Office Action). However, at [0044] there is no teaching of communication between participating shoppers/users. Instead, the Active Calendar Component sends events of a specific location to a user whenever the user is close to that location. Examiner has also cited that [0065] discloses each shopper may locate at least one other shopper in the shopping areas during the shopping activity. However, Applicant asserts this is not possible since no communication is facilitated amongst the users/shoppers. At [0065], the Active Calendar Component manages the to do list and updates it. At [0025-0027], the Active Calendar Components have contact with the Client Wireless Component. Thus, there is no disclosure of the users (i.e. Client Wireless Components) having direct contact with each other. As Kaufman does not anticipate the recited invention, nor teach each and every element as disclosed in the recited invention, Kaufman's citations do not anticipate or disclose the recited invention as in Claim 1. As Claims 33, 34, and 36 depend from Claim 29, Applicant believes such claims are also allowable for at least the reasons that apply to Claim 29.

Claim Objections

Claims 14, 17-19, 37-38, 48 and 60 are objected to because of informalities wherein the claims depend from dependant claims but are separated by claims which do not also depend from said dependant claim.

After a discussion with the Examiner it was agreed that this objection would be addressed upon allowable subject matter being determined in the claims.

Claim Rejections – 35 U.S.C. §103

Claims 3-6, 10-14, 19-21, 24-26, 30-31, 35, 37-38, 41-44, 46-48, 53-56, 58-60 and 62 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) as applied to Claims 1-12, 22-23, 28-36, 39-40, and 51-52 above, and further in view of Marks, (U.S. 6, 876, 977).

As to Claim 3:

Applicant respectfully traverses the rejection. Applicant submits Kaufman and Marks do not, alone or in combination, disclose, teach or suggest "...individuals lists" as recited in Claim 3.

Examiner has stated that Marks discloses "wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper (Item 18, Page 8, 9/18/08 Office Action)." However, Marks only discloses a shared shopping basket management system wherein a plurality of remote users may simultaneously access a single electronic basket and wherein items may be added to or removed from the electronic basket. Applicant asserts that Marks fails to disclose or suggest the use of individual lists. Marks teaches a plurality of users who each simultaneously access and affect the status of a single basket. Because there are no lists or tasks disclosed, there is no way to achieve an approximately equal shopping time for each remote shopper.

These features in cooperation with the other elements of Claim 3 are not disclosed by either Kaufman or Marks either singly or in combination. Therefore, Applicant respectfully submits that Claim 3 is allowable.

As to Claims 4-6, 10-14, 19, 21, 25, 35, 42-44, 46-48, 54-56, 58-60 and 62:

Applicant submits that these Claims were previously rejected under Kaufman under 35 U.S.C. §102, depend from Independent Claims 1, 22, 29, and recite substantially similar limitations to Independent Claims 39, 51, and 63. Therefore, the arguments used to overcome the rejections of Claims 1, 22, and 29 also apply here with equal force and effect.

As to Claim 20:

Applicant respectfully traverses the rejection. Examiner has relied on Marks noting that Marks discloses the shopping lists can also be edited by one or more non-shoppers (Item 29, Page 13, 9/18/08 Office Action). However, Applicant submits Marks discloses a single, shared, shopping basket wherein participants may register to become group members while the customer maintains control over the membership of the participating registrants.

Applicant further submits Kaufman and Marks do not, alone or in combination, disclose, teach or suggest "...individuals lists can be edited by the participating shoppers, and can also be edited by one or more non-shoppers." as recited in Claim 20.

These features in cooperation with the other elements of Claim 20 are not disclosed by either Kaufman or Marks either singly or in combination. Therefore, Applicant respectfully submits that Claim 20 is allowable.

As to Claim 21:

Applicant respectfully traverses the rejection. Examiner has relied on Marks citing that Marks discloses at least one or more non-shoppers can access the electronic devices via the Internet (Item 30, Page 13, 9/18/08 Office Action). However, Applicant asserts that in Marks, the electronic devices of the participating shoppers are not accessed by the customer. Instead, "Each of the users is assigned to one or more hierarchically distinct abilities to affect the state of the shopping basket, so that the users are permitted to simultaneously view the status of the basket and sequentially affect the state of the shopping basket. This enables various actions in the purchasing process to be accomplished by various individuals. These abilities to affect the state of the basket may also include providing the users with various selected levels of access to the basket, i.e., to prevent unauthorized purchases." (Abstract lines 8-17).

Therefore, Applicant submits Kaufman and Marks do not, alone or in combination, disclose, teach or suggest "...individuals lists can be edited by the participating shoppers, and can also be edited by one or more non-shoppers" as recited in Claim 21.

These features in cooperation with the other elements of Claim 21 are not disclosed by either Kaufman or Marks either singly or in combination. Therefore, Applicant respectfully submits that Claim 21 is allowable.

As to Claim 31:

Applicant respectfully traverses the rejection. Examiner has relied on Marks citing that Marks discloses a message may be sent to one or more other shoppers (Item 33, Page 14, 9/18/08 Office Action).

However, Column 22, lines 5-7 (cited by Examiner) teach only the ability to change the standard password of the basket thereby affecting the access to the system by other registered shoppers.

Therefore, Applicant submits Kaufman and Marks do not, alone or in combination, disclose, teach or suggest "...wherein the message to one or more other shoppers is input by the shopper in text form." as recited in Claim 31.

These features in cooperation with the other elements of Claim 31 are not disclosed by either Kaufman or Marks either singly or in combination. Therefore, Applicant respectfully submits that Claim 31 is allowable.

Claims 7-9, 45 and 57 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) in view of Marks, (U.S. 6, 876, 977), and further in view of Chow, (U.S. 6, 304,866).

As to Claim 7:

Applicant respectfully traverses the rejection. Examiner has cited that Chow discloses wherein, during the shopping activity, if one shopper obtains items faster than at least one other shopper, the individual lists are rebalanced to move entries from at least one individual list to at least one other individual list to approximately equalize shopping time between all participating shoppers (Item 41, Page 17, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Thus, the resulting combination of Chow and Kaufman would be a collaborative calendar management tool wherein the user's availability and location are tracked whereby if one user-participant completes his or her tasks more quickly than another, the master tool rebalances the task lists of all remaining users.

Therefore, Applicant submits Kaufman, Marks, and Chow do not, alone or in combination, disclose, teach or suggest "...individual lists are rebalanced to move entries from at least one individual list to at least one other individual list to approximately equalize shopping time between all participating shoppers" as recited in Claim 7.

These features in cooperation with the other elements of Claim 7 are not disclosed by Kaufman, Marks, or Chow either singly or in combination. Therefore, Applicant respectfully submits that Claim 7 is allowable.

As to Claim 8:

Applicant respectfully traverses the rejection. Examiner has cited that Kaufman discloses the basic method of coordinating the activity (such as shopping) of a plurality of users, while Chow discloses rebalancing of individual shopping lists (Item 42, Page 18, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Thus, the resulting combination of Chow and Kaufman would be a collaborative calendar management tool wherein the user's availability [at the same time availability is checked with a master system – here, Active Calendar Component] also checks to see who is nearing completion of their last list] and location are tracked, wherein if one user-participant completes his or her tasks more quickly than another, the master system rebalances the task lists of all remaining users.

Therefore, Applicant submits Kaufman, Marks, and Chow do not, alone or in combination, disclose, teach or suggest "...rebalancing of the individual lists occurs after a shopper has designated all items on that shopper's individual list obtained" as recited in Claim 8.

These features in cooperation with the other elements of Claim 8 are not disclosed by Kaufman, Marks, or Chow either singly or in combination. Therefore, Applicant respectfully submits that Claim 8 is allowable.

As to Claim 9:

Applicant respectfully traverses the rejection. Examiner has relied on Kaufman noting that Kaufman discloses the basic method of coordinating an activity (such as shopping) of a plurality of users. Examiner has also indicated Kaufman discloses wherein each individual list includes entries that are provided in a particular order such that when a shopper obtains the last item described on that shopper's individual list, the shopper is located close to items on a different shopper's list within a shopping area, thereby promoting efficient rebalancing of the individual lists (Item 43, Page 19, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Thus, Applicant submits Kaufman does not, alone or in

combination, disclose, teach or suggest "...the shopper is located close to items on a different shopper's list within a shopping area, thereby promoting efficient rebalancing of the individual lists" as recited in Claim 9.

These features in cooperation with the other elements of Claim 9 are not disclosed by Kaufman either singly or in combination. Therefore, Applicant respectfully submits that Claim 9 is allowable.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) in view of Marks (U.S. 6, 876, 977), and further in view of Forbes, (U.S. 2002/0079690).

As to Claim 15:

Applicant respectfully traverses the rejection. Examiner has cited that Forbes discloses wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists (Item 45, Page 19, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Because there are no lists provided the users in Kaufman, it is not possible to achieve an approximately equal shopping time for each remote shopper. Marks discloses a plurality of users who each simultaneously access and affect the status of a single basket.

Therefore, Applicant submits Kaufman, Marks, and Forbes do not, alone or in combination, disclose, teach or suggest "...wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists" as recited in Claim 15.

These features in cooperation with the other elements of Claim 15 are not disclosed by either Kaufman, Marks or Forbes either singly or in combination. Therefore, Applicant respectfully submits that Claim 15 is allowable.

Claims 16, 18, 32, 49, 50 and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., in view of Marks, (U.S. 6, 876, 977) and further in view of Swartz (U.S. 2003/0132298).

As to Claim 16:

Applicant respectfully traverses the rejection. Examiner has cited that Swartz discloses wherein the items on the master list are weighted so as to evenly divide the shopping time between shoppers when some of the items may take longer to obtain than other items (Item 46, Page 20, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Because there are no lists provided the users in Kaufman, it is not possible to achieve an approximately equal shopping time for each remote shopper. Marks discloses a plurality of users who each simultaneously access and affect the status of a single basket.

Therefore, Applicant submits Kaufman, Marks and Swartz do not, alone or in combination, disclose, teach or suggest "...wherein the items on the master list are weighted so as to evenly divide the shopping time between shoppers when some of the items may take long to obtain other items" as recited in Claim 16.

These features in cooperation with the other elements of Claim 16 are not disclosed by either Kaufman, Marks or Swartz either singly or in combination. Therefore, Applicant respectfully submits that Claim 16 is allowable.

As to Claim 18:

Applicant respectfully traverses the rejection. Examiner has cited that Swartz discloses wherein generating the individual lists includes putting entries for items that are physically located close together on the same individual list (Item 48, Page 21, 9/18/08 Office Action). However, Applicant respectfully disagrees and asserts Swartz does not teach or suggest specific physical placement of items on a list. More specifically, Swartz discloses "The system may also be able to sort the customer's electronic shopping list. The sorting could be done according to the layout of the store or desired categories" [0020] lines 13-15).

Therefore, Applicant submits Kaufman, Marks and Swartz do not, alone or in combination, disclose, teach or suggest "...wherein generating the individual lists includes putting entries together on the same individual list" as recited in Claim 18.

These features in cooperation with the other elements of Claim 18 are not disclosed by either Kaufman, Marks or Swartz either singly or in combination. Therefore, Applicant respectfully submits that Claim 18 is allowable. Applicant further submits that because Claims 50 recites substantially similar limitations to Claim 18, the arguments used to overcome the rejections of Claim 18 also apply to Claim 50 with equal force and effect.

As to Claim 32:

Applicant respectfully traverses the rejection. Examiner has cited that Swartz discloses wherein the message to one or more other shoppers is input by the shopper in voice form (Item 49, Page 21, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Thus, the resulting combination of Kaufman, Marks, and Swartz

would be a collaborative calendar management tool wherein the user's availability and location are tracked wherein a plurality of users may each simultaneously access and affect the status of a single basket wherein a message to one or more other shoppers is input by the shoppers in voice form

Therefore, Applicant submits Kaufman, Marks, and Swartz do not, alone or in combination, disclose, teach or suggest "...wherein the message to one or more shoppers is input by the shopper in voice form" as recited in Claim 32.

These features in cooperation with the other elements of Claim 32 are not disclosed by either Kaufman, Marks or Swartz either singly or in combination.

Therefore, Applicant respectfully submits that Claim 32 is allowable.

Claims 49 and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) in view of Marks, (U.S. 6, 876, 977), further in view of Forbes (U.S. 2002/0079690), and further in view of Swartz (U.S. 2003/0132298).

As to Claim 49:

Applicant respectfully traverses the rejection. Examiner has cited that Forbes discloses wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists (Item 51, Page 22, 9/18/08 Office Action).

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers. Thus, the resulting combination of Kaufman, Marks, Swartz, and Forbes would be a collaborative calendar management tool wherein the user's availability and location are tracked, wherein a plurality of users may each simultaneously access and affect the status of a single basket, wherein the attendant may subdivide a customer's shopping list which a customer may redesignate for his own

purposes, wherein the individual lists are generated by dividing the items into categories and further dividing the categories between the individual lists.

Therefore, Applicant submits Kaufman, Marks, Swartz, and Forbes do not, alone or in combination, disclose, teach or suggest "...wherein the message to one or more shoppers is input by the shopper in voice form" as recited in Claim 49.

These features in cooperation with the other elements of Claim 49 are not disclosed by Kaufman, Marks, Swartz, or Forbes either singly or in combination. Therefore, Applicant respectfully submits that Claim 49 is allowable. Applicant further submits that because Claim 61 recites substantially similar limitations to Claim 49, the arguments used to overcome the rejections of Claim 49 also apply to Claim 61 with equal force and effect.

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) as applied to Claims 1-2 above, further in view of Gabos.

As to Claim 17:

Examiner has relied on Gabos to supply wherein a shopping history is taken into account so as to evenly divide the shopping time between shoppers when organizing individual lists (Item 54, Page 23, 9/18/08 Office Action)

However, as noted above, Kaufman does not teach providing shopping lists to participating shoppers as recited in Claims 1 and 2 which are read together with Claim 17 because of the dependency.

Thus, the resulting combination of Kaufman and Gabos would be a collaborative calendar management tool wherein the user's availability and location are tracked and wherein a shopping history of one or more of the participating shoppers is taken into

account so as to evenly divide the shopping time between the shoppers when organizing the individual lists.

Therefore, Applicant submits Kaufman and Gabos do not, alone or in combination, disclose, teach or suggest "...wherein a shopping history is taken into account so as to evenly divide the shopping time between shoppers when organizing the individual lists" as recited in Claim 17.

These features in cooperation with the other elements of Claim 17 are not disclosed by either Kaufman or Gabos either singly or in combination. Therefore, Applicant respectfully submits that Claim 17 is allowable.

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al., (U.S. 2002/0120703) as applied to Claims 22 and 23 above, and further in view of Chow (U.S. 6,304,866).

Examiner stated that Claim 27 was rejected using the same references and rationale applied against Claim 7 under Kaufman, Marks, and Chow above (Item 55, Page 24, 9/18/08 Office Action). Applicant agrees with Examiner's assertion that Claim 27 recites substantially the same limitations as Claim 7. Therefore, Applicant respectfully submits that the same arguments used to overcome Claim 7 (above) are also applied here to Claim 27 with equal force and effect. Therefore, Applicant respectfully submits that Claim 27 is allowable.

CONCLUSION

Accordingly, Applicant respectfully requests reconsideration and allowance of all pending Claims 1-64 as they are newly amended and presented. Applicants' attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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